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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,545	02/21/2001	Michael Orr	P-3059-US	5618
49443	7590	03/09/2006	EXAMINER	
PEARL COHEN ZEDEK, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/788,545

Applicant(s)

ORR ET AL.

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

Responsive to Request for Continued Examination (RCE) received on December 22, 2005. Claims 1 and 11-13 have been amended. Claim 33 has been newly added. Claims 1-21 and 33 are now pending further examination.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9, 10, and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations “*partial response to a client before a full response from said server has been received*” and “the client agent transmits partial responses to a client” are not described in the specification to convey to one skilled in the art that the inventor(s) at the time the application was filed, had possession of the claimed invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 2-21, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the predictive request". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the response". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the response". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "said predictive request". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the predictive response". There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the response". There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitations "the predictive response" and "it". There is insufficient antecedent basis for these limitations in the claim.

Claim 17 recites the limitation "the response". There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the response". There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "said predictive request". There is insufficient antecedent basis for this limitation in the claim.

Claims 5 and 13 recite the term "a predictive response" which is indefinite because it's not clear if this term is referring to "a predictive response" previously presented in claim 2 or is now directed to a new predictive response. The use of this indefinite term has therefore rendered the claims indefinite.

Claim 10 recites the term “a response” which is indefinite because it is not clear what this term is directed to since multiple responses have been used throughout the previous claims. The use of this indefinite term has therefore rendered the claim indefinite.

Claims 3, 5-8, 10, 12, 13, 18, 19, and 21 depend on the above rejected claims, therefore are rejected under the same rationale.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Claim Rejections - 35 USC § 102*

6. Claims 1-21 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasriel et al (U.S. Patent No. 6,721,780).

7. As per claim 1, Kasriel et al teach a system for enhancing perceived throughput between a client and a server, said system comprising a predictive unit adapted to receive a first response from the server, to analyze said first response and to generate one or more predictive requests for one or more objects associated with one or more URLs contained within a web page contained within the first response, wherein said one or more predictive requests are sent to the server in response to said analysis. **(Figure 1, column 4, lines 20-33, column 4, lines 55-67, column 7, line 38-column 8, line 15).**

8. As per claim 2, Kasriel et al a client agent unit adapted to communicate with said predictive unit and to receive a predictive response corresponding to the predictive request **(column 5, lines 55-66, column 6, lines 24-35).**

9. As per claim 3, Kasriel et al teach the client agent is adapted to forward a received predictive response to the client **(column 5, lines 64-66).**

10. As per claim 4, Kasriel et al teach the client agent unit is adapted to forward a received predictive response upon receiving a request for the response from the client **(column 5, lines 64-66).**

11. As per claim 5, Kasriel et al teach wherein the client agent unit receives a predictive response after said storage unit forwards the client's request for the response to said predictive unit (**column 5, lines 57-66**).

12. As per claim 6, Kasriel et al teach wherein the predictive response is first received by the predictive unit and forwarded to said client agent unit (**column 4, lines 55-67, column 5, lines 15-17, 57-60**).

13. As per claim 7, Kasriel et al teach wherein said client unit receives requests from said client and forwards the requests to said predictive unit using encapsulation (**column 4, lines 55-67**).

14. As per claim 8, Kasriel et al teach wherein data transmitted between said client agent unit and said predictive unit undergoes a data processing step selected from a group consisting of data compression, partial information transfer, protocol conversion, and data packet combining (**column 5, lines 46-55, column 6, lines 44-55**).

15. As per claim 9, Kasriel et al teach wherein the client agent unit is adapted to transmit a partial response to a client before a full response from server has been received (**column 5, lines 60-66**).

16. As per claim 10, Kasriel et al teach wherein the client agent unit is adapted to store a response and to forward the response to the client upon receiving a re-load request for the response from the client (**column 4, lines 58-67, column 5, lines 64-66**).

17. As per claim 11, Kasriel teach a method for enhancing perceived throughput between a server and a client utilizing a predictive unit, said method comprising the predictive unit analyzing the server's response to a request issued by the client, generating predictive requests for one or more URLs contained within a webpage contained within the server's response, and sending said predictive request to said server in response to said step of analyzing (**Figure 1, column 4, lines 20-33, column 4, lines 55-67, column 7, line 38-column 8, line 15**).

18. As per claim 12, Kasriel teach wherein the step of analyzing further comprises verifying any of said one or more objects associated with one or more URLs is present at said client or at said predictive unit (column 1, lines 28-37, Figure 4, step 413).

19. As per claims 13-20, these claims contain similar limitations as claims 2-10 above, therefore are rejected under the same rationale.

20. As per claim 21, Kasriel et al teach wherein said partial response includes a re-load command (column 4, lines 58-67, column 5, lines 64-66).

21. As per claim 33, Kasriel teach wherein said predictive unit is further adapted to receive a predictive response to said predictive request, to store said received predicted response and to forward a received predictive response to said client upon receiving a request for said predictive response from said client (column 4, lines 20-33, column 4, lines 55-67, column 7, line 38-column 8, line 15).

#### *Response to Arguments*

22. Applicant's arguments have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues in substance that

##### *Argument A:*

Kasriel does not teach “to analyze said first response and to generate one or more predictive requests for one or more objects associated with one or more URLs contained within a web page contained within the first response” and “wherein said one or more predictive requests are sent to the server in response to said analysis”;

##### *Argument B:*

the Applicant's specification sufficiently conveys to one skilled in the art that the inventor, at the time the application was filed had possession of the claimed inventions, particularly, to the claimed limitation “partial response to a client before a full response from said server has been received”. The

Applicant argues “it would have been obvious to an ordinary skilled person in the art to utilize the stripping method described in paragraph [0034] and implement it in another exemplarily embodiments of the present invention.”

- In response, to:

*Argument A:*

the Examiner respectfully disagrees. Kasriel teaches a pre-download engine intercepts messages including requests from a web client that are directed to a web server. Each message includes URLs indicating a referring network objects. The pre-download engine then pre-downloads those network objects from the web server prior to their actual request from a user at the web client. Therefore Kasriel meets the scope of the claimed limitation. (See column 4, lines 10-67).

*Argument B:*

the Examiner respectfully disagrees. The Applicant’s specification fails to sufficiently describe the claimed limitation. 35 U.S.C. 112 states that “The specification shall contain a written description of the invention, and of the manner and process of making and using it, *in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention*”. Furthermore, the Applicant is reminded that newly added claim limitations must be *supported in the specification through express, implicit, or inherent disclosure, not by merely stating that an ordinary skilled person in the art would be motivated to utilize a feature of the disclosure and implement that feature in other embodiments of the invention*. An ordinary skilled person in the art’s motivation does not sufficiently convey that at the time the application was filed, the Applicant had possession of the claimed inventions nor does it provide sufficient support for claimed limitations. Therefore, the 112 rejection is maintained.




*Conclusion*

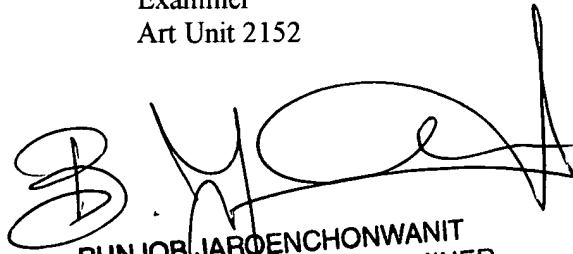
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RR   
February 24, 2006

Ramsey Refai  
Examiner  
Art Unit 2152

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER